

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7763**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SHAHBORN EMMANUEL,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Lacy H. Thornburg, District Judge. (CR-97-288-V, CA-00-411-3)

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Submitted: February 10, 2003

Decided: March 10, 2003

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Before WIDENER, NIEMEYER, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Shahborn Emmanuel, Appellant Pro Se. Keith Michael Cave, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Shahborn Emmanuel seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000). We have reviewed the record and conclude on the reasoning of the district court that Emmanuel has not made a substantial showing of the denial of a constitutional right. See United States v. Emmanuel, Nos. CR-97-288-V; CA-00-411-3 (W.D.N.C. filed Sept. 12, 2002; entered Sept. 13, 2002). Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED